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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,569	10/02/2000	Robert G. Schultz	X2009A	6875

7590 12/02/2003

EXAMINER
HAN, QI

James J Ralabate
5792 Main Street
Williamsville, NY 14221

ART UNIT	PAPER NUMBER
2654	9

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/677,569	Applicant(s) SCHULTZ, ROBERT G.	
	Examiner Qi Han	Art Unit 2654	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ they raise the issue of new matter (see Note below);
   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____.
3. ☒ Applicant's reply has overcome the following rejection(s): regarding claim 31 under 35 USC 112 1st.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.
8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: applicant's arguments (paper 7, filed on 11/18/03) are not persuasive, based on the rejection submitted and the prior art recited in final (see detail in claim rejections in the final office action).
In response to the applicant's arguments regarding claim 1 that "the examiner states that Lambrecht teaches that claimed limitation 'where said DSP is enable to operate in either command and control mode or continuous speech mode...' and the applicant disagree with this interpretation" (Paper 7, page 9, paragraph 2), it appears that the applicant made a mistake, because examiner did not state above citation that applicant argued (see the claim in last office action).

In response to applicant's argument (regarding claim 1) that "Neither Lambrecht nor Hansen teach or suggest all claim limitations as required; therefor, this rejection is improper" (Paper 7, page 9, paragraph 2), examiner disagrees with applicant because the rejection based on the combination of Lambrecht and Hansen, as stated in final office action, teaches all claimed limitations, so that the rejection is proper.
In response to applicant's argument (regarding claim 1) that "Lambrecht teaches away from the claimed invention" (Paper 7, page 9, paragraph 3), it is noted that Lamberecht discloses several different embodiments and applicant only pick up those prior art teachings that are different from applicant's invention, but not specificly argue the teatchings rected by examiner. In addition, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the DSP does not work as a slave to the CPU") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
Regarding claim 27, response to applicant's argument is based on the same reason stated above, because applicant argued same issue(s).